

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT ON COMM United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,824		08/06/2003	Timothy J. Hogan	TI-28996.1 7653	
23494	7590	03/31/2004		EXAMINER	
TEXAS IN	STRUM	ENTS INCOR	VAN, QUANG T		
P O BOX 65	55474, M/	S 3999			
DALLAS, TX 75265			ART UNIT	PAPER NUMBER	
				3742	

DATE MAILED: 03/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	10/635,824	HOGAN ET AL.				
Office Action Summary	Examiner	Art Unit				
	Quang T Van	3742				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be ting within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C.§ 133).				
Status						
1) Responsive to communication(s) filed on	_·					
	·					
Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under E	Ex parte Quayle, 1935 C.D. 11, 45	53 O.G. 213.				
Disposition of Claims						
 4) ☐ Claim(s) 1-26 is/are pending in the application. 4a) Of the above claim(s) is/are withdraw 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) 1-26 are subject to restriction and/or example. 	wn from consideration.					
Application Papers						
9) The specification is objected to by the Examine						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the						
Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Ex						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the prio application from the International Burea * See the attached detailed Office action for a list	s have been received. s have been received in Applicat rity documents have been receiv u (PCT Rule 17.2(a)).	ion No ed in this National Stage				
Attachment(s) 1) Notice of References Cited (PTO-892)	4) 🔲 Interview Summary	/ (PTO-413)				
Notice of References Cited (PTO-032) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	Paper No(s)/Mail D					

¥ 9,

Application/Control Number: 10/635,824

Art Unit: 3742

DETAILED ACTION

Page 2

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-12, drawn to a grid plate assembly for a plasma ashing machine, classified in class 219, subclass 121.4.
 - II. Claims 13-26, drawn to a plasma ashing machine for photoresist removal, classified in class 219, subclass 121.43.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions Group I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed in does not require the particulars of the subcombination as claimed because the grid plate assembly of the combination as claimed in Group II does not require an upper grid plate, and lower grid plate and a grid gap as claimed in subcombination (evidence shown in claims 1 and 8). The subcombination has separate utility such as a grid plate can be used in electron cyclotron resonance (ECR) plasma deposition system, or chemical vapor (CVD) deposition system.

Application/Control Number: 10/635,824

Art Unit: 3742

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

- 4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.
- 5. A telephone call was made to Mr. Charles A. Brill on March 26, 2004 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

- 6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T Van whose telephone number is 703-306-9162. The examiner can normally be reached on 8:00Am 7:00Pm M-Th.

Application/Control Number: 10/635,824

Art Unit: 3742

Page 4

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Denise Pothier can be reached on 703-308-0265. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ar.

QV

March 29, 2004

Quang T Van

Primary Examiner

Art Unit 3742